

General CONSIDERATIONS relating to
a Bill for Regulating the Abuses of Prisons
and pretended Priviledg'd Places; as far as
relates to the Prisons.

bill read 16 Jan 1697

UNTIL all Men are enabled to pay their Debts, *Creditor* and *Debtor* will be at Variance; (for generally both think themselves injur'd) and as the present Circumstances of the Nation are, (there being five times more Debts than there is Ready Money to pay, as is very presumptive from the many attempts to set up Paper-Credit) 'Tis humbly submitted, whether a Law of more *Mercy* then is now in being, or a Law of greater *Severity* may be thought more proper.

It is not unfit to be remembred, that by the *Common Law* Men's Bodies were not liable to be Confin'd for Debt; and the Statutes which have since made 'em subject, are not only more severe than the antient *Common-Laws*, but than the Laws in other Countrys, which provide in some cases, that the *Creditor* shall Maintain his *Debtor* in Confinement.

The Prisons of the *Kings Bench* and *Fleet* being the immediate Prisons of the Great Courts of *Westminster-Hall*, Persons Arrested in all parts of the Kingdom have therefore frequently remov'd their Bodies to those Courts and Prisons, where their Causes in Law and Equity are finally determinable: And the Statute of 23 *Hen. 6. Cap. 10.* reserving Liberty to the Warden of the *Fleet* (the Marshal of the *Kings Bench* being likewise adjudged to be within the Equity of the same) to take Security for true Imprisonment; The Courts have thought it an equal Advantage both to *Debtor* and *Creditor*, that the Prisoners, by *Day-Rules*, &c. should have a Qualify'd LIBERTY (in Term-time at least) to sollicite their Law Affairs, and dispose of their Estates and Effects to the best advantage.

The Mischiefs intended to be regulated are *Escapes*; Which seldom or never happen at the worst to be any more then the Suspension of the payment of the Debt, the Remedy being already sufficient against the *Marshal* and *Warden* and their *Superiors*: For

If either *Marshal* or *Warden* gives greater Liberty then the Law allows, or the Prisoners abuse that Liberty, they and their *Superiors* are liable, as the Law now stands; And Debts have been often paid by these means, and by the benefit of Securities they have taken, when the Prisoners were wholly Insolvent: of which many and frequent Instances might be given. But 'tis highly probable, if this Bill pass; those Prisoners that are trusted no farther then by Law they might, will take advantage, and perhaps their Securities too, to withdraw for ever out of the reach of the Law; which, by the way, may be of very ill Consequence to the *Creditors*, as well as to the *Marshal* and *Warden*.

If all Security-Bonds are taken away, the *Marshal* and *Warden* will be oblig'd to Confine all their Prisoners within the Walls: And there being so many Thousand Prisoners already belonging to both Prisons, and in the adjacent Streets, as yet part of the Prisons by Rules of Court, for the more wholsom keeping of Prisoners; and not above 160 Chambers in both Prisons to receive them, it will be impossible to dispose of them in so small a compass.

The Prisons being now too Narrow to contain the Prisoners already Committed, what large Buildings, and vast Guards must be requisite to keep those numerous Shoals of Men, who in all likelyhood will become Prisoners, when the *Mint*, *Savoy*, and *Friars* are divested of their pretended Priviledg?

Admitting such a Collection, one need only hint the Noisomness, the Diseases, the Misery of so many unfortunate People, so closely huddled together, wanting the conveniences perhaps even the *Necessaries of Life*: And what attempts against any Government they wou'd stick at, rather then endure their perpetual Doom to *Poverty*, *Confinement*, *Stench* and *Vermin*.